Alex Stafford
Senior Planning Officer
Strategic Applications Team
Ashford Borough Council

PROW & Access Service
1st Floor, Invicta House
County Hall
Maidstone
Kent, ME14 1XX

**By Email:**

[redacted]

Date: 16th August 2022

Dear Alex

**22/00668/AS -** Installation of a solar farm with a generating capacity of up to 49.9MW comprising: ground mounted solar panels; access tracks; inverter/transformers; substation; storage, spare parts and welfare cabins; underground cables and conduits; perimeter fence; CCTV equipment; temporary construction compounds; and associated infrastructure and planting scheme.

**Location:** Land south of M20, Church Lane, Aldington, Kent

Thank you for the opportunity to comment on the above application. As a general statement, KCC's Public Rights of Way and Access Service are keen to ensure that their interests are represented with respect to our statutory duty to protect and improve Public Rights of Way (PROW) in the County. The team is committed to working in partnership with the applicant to achieve the aims contained within the Rights of Way Improvement Plan (ROWIP) and Framing Kents Future, KCC Strategic Policy. Specifically, these relate to quality of life, supporting the rural economy, tackling disadvantage and safety issues, and providing sustainable transport choices.

The following Public Rights of Way are affected by the site: Public Footpaths AE437, AE432, AE457, AE459 all connecting to the wider PROW network in the area. Public Footpaths AE656 and AE657 are in close proximity. The PROW network at this location is also impacted by the proposed NSIP Stonestreet Solar Farm, as well as the proposed Otterpool Garden Village within Folkestone and Hythe, and therefore the connectivity of these routes must be seen through the cumulative impact on the area.

KCC PROW and Access Service place a **holding objection** on the above application, however, would be in a position to lift this objection if the following points can be addressed and satisfactorily resolved:

- Site access during construction and operation and management of PROW
- Omission of detail regarding PROW long term within site during operation
- Impact on Non-mechanical use of rural lanes during construction

- No consideration of wider area visual impact or holistic connectivity between proposed developments and existing communities
- Mitigation proposed in terms of planting new vegetation insufficient. KCC PROW and Access consider the development will have a significant impact on the network and a loss of visual amenity for users of PROW

KCC PROW and Access would therefore welcome direct engagement with the applicant to discuss these issues.

Comments on application documents (due to situation with Ashford BC planning portal, unable to access full document list):

**Design and Access Statement**

DA40 – all mitigation proposed is in the form of hedgerow planting, meadow seeding, all of which take time to mature and do not mitigate from the landscape and visual impact with immediate effect. Further mitigation planning is required.

DA56 – "perimeter wooden stock fencing" and "steel mesh gates at entrance" – any such furniture on or affecting PROW routes require approval from KCC PROW and Access as the Highway Authority

DA65 – Delivery route – although stated in this Statement that no PROW will be used for haulage access, the internal access track in the South-eastern section of the site appears to run along AE459, and in the Northern section of the site, an internal access track appears to be on the alignment of AE437

DA69 – mention of PROW being open during construction but no detail of management during this period is given (width, fencing, signage, public user safety and amenity). A detailed plan is required – see later in the response re PROW included in the CEMP (Transport and Access). KCC PROW also have concerns regarding the impact during construction on the rural lane network (again see Transport Assessment).

**Environmental Statement Vol 1 –** *Summary of Non-Technical* – Pg 21 "security" – refers to "some management of PROW during construction" but no detail is given. Consideration should also be given to the impacts on the PROW network during the pre-construction/early design stage of the project. For example, during the pre-construction phase, excavation works may be required to evaluate ground conditions and reptile fencing may be erected to conduct ecological surveys. The results of these investigations may influence and determine the final design of the Solar Park, but the process of collecting the data may cause disruption to PROW users.

*Construction phase* - It is understood that transformers and electrical infrastructure would need to be installed within the Solar Park, but the placement of cables across PROW should be avoided. Digging trenches to accommodate cabling would disturb the surface of the highway, which would require the authorisation of the highway authority. Whilst this assent may be given by the County Council, the initial excavation work (and future maintenance works during the operational phase of the project) would cause

disruption for path users. There is no mention again of any detail regarding PROW management during construction.

*Operational phase* – again no detail of PROW width, fencing, surface, signage, alignment, maintenance of proposed planting

*Decommissioning phase* – again require detail of PROW management at this phase. We would not accept a compound near PROW routes and would require details for the site's future post operation with regard to the furniture installed for operation. i.e will routes used as site tracks be reverted, will fencing be removed?

*Protection Measures* – it is essential that PROW are included in the CEMP as this Service is Highway Authority for Public Rights of Way, to ensure unnecessary disruption and fragmentation to the network does not occur.

**Part B Chapter 8 –** *Transport and Access* – PROW and Access Service have concern for potential conflict on the proposed delivery route, between vehicles and NMUs as the rural lane network of the area is used by walkers and cyclists connecting across the PROW network. The project could potentially deter public use of the PROW network if the road links (Church Lane) are designated as haulage routes and vehicular traffic substantially increases along the lanes. PROW must not be used as access routes, as the routes only carry pedestrian rights, but we note the proposal to use Banksmen for public safety. (B24)
B26 – reference to a Highway Survey, this should include PROW routes if used for access (AE459, AE437) so that the surface is repaired and improved to a standard approved by KCC PROW.
Again, this chapter has very little detail regarding the PROW management and on-site improvements /enhancements which we would expect. All matters regarding access, access tracks, compound and the impact on the PROW network with regard to public user safety and enjoyment must be fully mitigated and proposals approved by KCC PROW and Access.

**Chapter 11 – Landscape and Visual Assessment – T**he application refers to no "significant visual impact", however KCC PROW and Access do consider the development will have a significant impact on the network and surrounding landscape and a loss of visual amenity for users of PROW**.** We understand that Ashford Borough Council will be producing a Landscape and Visual Impact Assessment, which will provide in detail the impact of the development; KCC PROW have been in discussion regarding this and will comment further on the LVIA when produced. Regarding the visual receptors, PROW should be included, and it should be noted that PROW are Public Highways and therefore included as such.

**Socio-Economic Sustainability Statement –** the overall impact on tourism is "not considered to be significant". This fails to recognise that tourism is an important industry for Kent, with Kent's landscape a key tourist attractor, and that this development is in proximity to an Area of Outstanding Natural Beauty. KCC PROW and Access use PROW and countryside access to strengthen The Garden of England brand of Kent both as a whole and in local areas to safeguard Kent's high-quality reputation in countryside access. Ashford provides a convenient place from which visitors can tour the AONB area and the connectivity and impact must therefore be considered.

**Mitigation** – the proposal of hedgerow planting and screening as mitigation is not considered extensive enough. This project provides an opportunity to improve the PROW network and develop new links for active travel and outdoor recreation. The creation of new paths and upgrading of existing routes should be considered as positive outcomes of the scheme. The public benefits of such work would help to compensate for any disruption caused by the construction of the solar park and negative effects on the PROW network, which result from the delivery of the solar park.

The applicant should be aware of the County Council's Rights of Way Improvement Plan (ROWIP), which aims to improve public access to the countryside and coast. The Solar Farm project provides an opportunity to help deliver this plan, as new off-road routes could be created within the development site and surrounding area. The creation of new walking, cycling and equestrian paths that provide safe alternatives to existing on-road routes) should be explored. On this note, we have been made aware of a proposal for a route offsite linking to Mersham, although there has been no engagement from the applicant with us on this. The route appears very similar to a proposal from the adjacent NSIP application at Stonestreet, and therefore clarity is required regarding this proposal. **It must be emphasised that all matters regarding PROW, existing or proposed, are to be dealt with and managed by KCC PROW and Access Service as the Highway Authority.**

KCC PROW and Access would therefore be requesting s106 funding for improvements to the surrounding network.

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**Summary**

The proposed Solar Farm will alter the character of the area and would have a significant impact on the PROW network, causing disruption to path users during the construction period, affecting the experience of path users during the operational phase and during decommissioning. However, with careful planning, engagement with KCC PROW and Access Service, and appropriate mitigation as above, it is hoped that negative impacts identified can be addressed.

Going forward, the PROW & Access Service advises engagement with the applicant to review these impacts detailed above in order to lift our holding objection, and to consider PROW network improvements which could be delivered through the project and aid a legacy from the Solar Farm

Comments are made in reference to the following planning policy.

- **National Planning Policy Framework (February 2019) Section 98**

Planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users, for example by adding links to existing rights of way networks including National Trails.

- **National Planning Policy Framework (February 2019) Section 104**

Planning policies should:
d) provide for high quality walking and cycling networks and supporting facilities such as cycle parking (drawing on Local Cycling and Walking Infrastructure Plans)

- **National Planning Policy Framework (February 2019) Section 110**
  Within this context, applications for development should:
- **a) give priority first to pedestrian and cycle movements, both within the scheme and with neighbouring areas; and second – so far as possible – to facilitating access to high quality public transport, with layouts that maximise the catchment area for bus or other public transport services, and appropriate facilities that encourage public transport use**

**Ashford Borough Council Local Plan Policies**:

**ENV5 / IMP1 / TRA5 / TRA6**

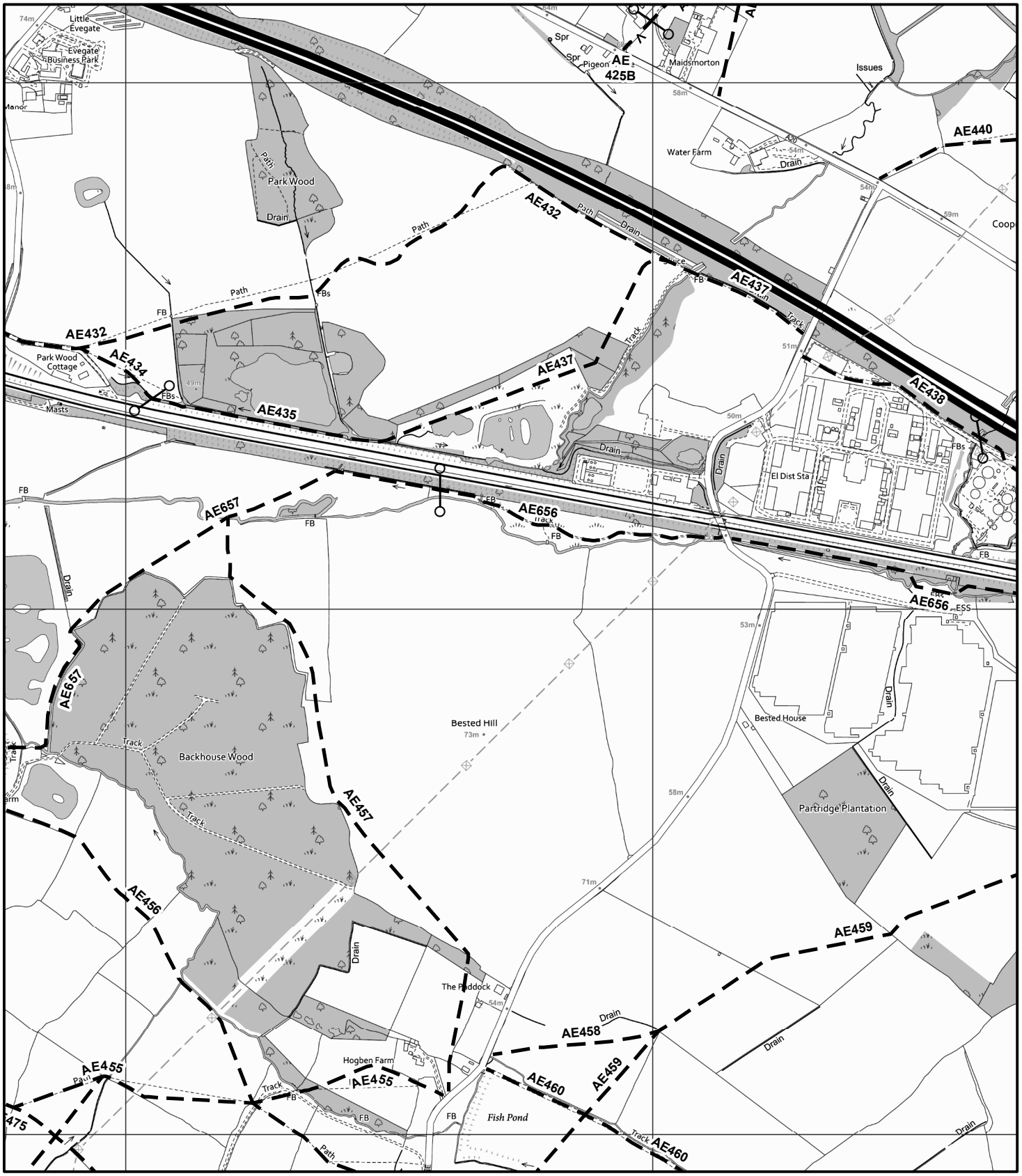
**And**

- **KCC Rights of Way Improvement Plan**
- **Framing Kent's Future, KCC strategic policy**

**This response is made on behalf of Kent County Council Public Rights of Way and Access Service. The views expressed should be considered only as the response of the County Council in respect of public rights of way and countryside access matters relating to the application.**

Yours sincerely

**Kate Beswick**
Rights of Way and Countryside Access Improvement Plan Officer
Public Rights of Way & Access Service




- Footpath
- Bridleway
- Restricted Byway
- Byway Open to All Traffic
- Point path number or status changes
- Boundary of area covered by 1:2500 scale Network Map
- Area covered by 1:2500 scale Network Map

**EXTRACT OF THE WORKING COPY OF THE DEFINITIVE MAP OF PUBLIC RIGHTS OF WAY FOR THE COUNTY OF KENT**

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